

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
RHODE ISLAND**

UNITED STATES OF AMERICA

Plaintiff

v.

C.A. No 14-175

STATE OF RHODE ISLAND

Defendant

QUARTERLY STATUS REPORT ON COURT ORDERED PLACEMENTS:

APRIL 1, 2017 THROUGH SEPTEMBER 30, 2017

Filed: January 19, 2018

Introduction - Changes in Reporting Periods and Formats.

During the past year the State and the Court Monitor reviewed the methodology and format of the quarterly placement data reports to improve the accuracy and validity of the information being reported. Additional steps were taken to identify Consent Decree target population members who are not engaged in supported employment or are not receiving employment related services. These efforts resulted in the development of new reporting categories to improve documentation of individuals who: have deceased, have voluntarily left services, are not attending or engaged, have not applied and those who are not eligible or who have withdrawn their applications (See Attachment, Report 1, Total Individuals).

The joint review made additional modifications in the timing and format of the State's quarterly status reports on supported employment placements and related services. These summary reports aggregate data drawn from four different sources: the Sherlock Center Quarterly Provider Survey (Sherlock Survey), Office of Rehabilitation Services (ORS) case files, Division of Developmental Disabilities (DDD) caseload information, and the Rhode Island Department of Education (RIDE) annual census to create a single non-duplicated dataset that is used to track progress on a quarter-by-quarter basis. The aggregated data is composed of information that is

gathered at different times during the quarter. ORS and DDD routinely collect and report caseload status and related information on a quarterly basis. The analysis of data from the comprehensive Sherlock Survey, however, takes approximately three months to complete creating a significant time lag between data collection and reporting.

To improve the timeliness of the quarterly reports the State supplements the Sherlock data with more recent numbers reflecting caseload changes that take place during the intervening months of data analysis. For example, the quarterly report filed on July 19, 2017 includes Sherlock Survey data for the period ending March 31, 2017 updated with caseload information gathered in April, May and June. In the past, the review period identified for this report was based on the timing of the Sherlock Survey, January 1 – March 31, 2017. On close examination it was realized that linking the review period to the timing of the Sherlock data ignores the additional updates that are routinely included. It was determined that a more appropriate approach is to identify the period of review on the quarterly reports to reflect the most recent data being reported by ORS and DDD. It is important to note that these modifications do not change the value of the data being gathered nor do they have an impact on the documentation of the State's performance relative to achievement of key Consent Decree performance benchmarks.

The aforementioned formatting changes are reflected in this report presenting data for the quarter ending September 30, 2017. It includes: Sherlock Survey data covering the period April through June 2017 (reported in September); caseload information from ORS and DDD collected during July, August and September; and data from RIDE's annual census conducted in July 2017. The data tables and charts in the attached quarterly review have been adjusted to reflect the revised realignment of reporting periods. It should be noted that the active census of individuals in each of the Consent Decree Target Populations can be expected to vary slightly from quarter to quarter depending on individual circumstances.

Findings

The attached Consent Decree Data Report, issued October 31, 2017, was prepared by DDD and reviewed by the Court Monitor. The report documents the State's progress on achieving the January 1, 2018 benchmarks and performance outcomes required by the Consent Decree across

the four target populations¹ for the period ending September 30, 2017. During this quarter, the total number of target population members who received a supported employment placement in an integrated competitive employment setting increased from 544 on June 30, 2017 to 573 on September 30, 2017, a gain of 29 individuals. This represents the lowest quarter-to-quarter expansion over the past year (Table 1). However, increased numbers of placements achieved during the prior 12 months resulted in an expansion of the total number of target population members receiving supported employment placements by 305 individuals, from 268 in September 2016 to 573 in September 2017. During this time period the State averaged approximately 76 placements per quarter.

Table 1
Placement Summary September
2016-September 2017

Quarterly Report	Number Placed	Total Employed
Sept/2016		268
Dec/2016	95	363
Mar/2017	119	482
June/2017	62	544
Sept/2017	29	573
Total		305

The Consent Decree requires the State to meet performance benchmarks regarding the numbers of target population members placed in supported employment according to a set schedule. Although the vast majority of individuals covered by the Agreement who received a placement in the past continue to be employed, a small number no longer receive State employment services or have deceased. The aforementioned data review process identified an additional 16 individuals across the Youth Exit (6), Sheltered Workshop (2) and Day Target (8) Populations who received supported employment placements following the signing of the Consent Decree in July 2014. The current quarterly Consent Decree Data Report lists these numbers separately and does not include them in the data analysis. These additional individuals should be considered when determining the State's progress on meeting Consent Decree placement requirements. Adding these individuals to the count raises the total number of placements achieved to date from 305 individuals to 321 individuals. The impact of these individuals on meeting the placement benchmarks for each target population is described below in Section 2 and in Table 2.

Placement data for each target population is measured against Consent Decree benchmarks that must be achieved by January 1, 2018 for the Sheltered Workshop and Day Target Populations.

¹ Consent Decree Target Populations: Sheltered Workshop Target Population, Day Target Population, Youth Exit Target population and Youth Transition Target Population.

Additional benchmarks occur in subsequent years. The benchmark date by which time all members of the Youth Exit Population were to have been placed was July 1, 2016.

Key findings for the quarter ending September 30, 2017 include the following:²

1. Target Population Census. The total unduplicated number of individuals in the Consent Decree's four Target Populations was 3,418 on September 30, 2017. This number represents a decrease of 203 individuals as compared with the previous period. These differences reflect improvements by the State in identifying and documenting target population members who are not involved in the developmental disabilities system for a number of reasons including: deceased individuals as well as those who: are not attending or participating in services, have not applied for services, have rescinded their applications, are not eligible or who voluntarily left services.³ Each target population member is required to receive a Career Development Plan, updated annually, and Benefits Planning consultations during the year that they obtain a supported employment placement or, for members of the Youth Transition Target Population, not later than the year prior to exiting secondary school. The State is required to provide supported employment placements for 2,501 members of the Sheltered Workshop, Youth Exit and Day Target populations. This number does not include members of the Transition Target Population⁴ or individuals who were employed during 2012, the base year for Consent Decree calculations. The total number of individuals to be placed by target population (updated) is:

- a. Sheltered Workshop Target Population - 617
- b. Day Target Population - 1,442
- c. Youth Exit Target Population - 442

It is important to note that the active census of individuals in each of the Consent Decree Target Populations varies slightly from quarter to quarter depending on individual circumstances and improved methods of identifying and tracking target population members.

² See Attachment - Consent Decree Reports: Data for the 10/31/2017 Quarter Ending September 30, 2017; Report 1.

³ See Attachment Report 1 Current Census

⁴ The Consent Decree does not require the State to place individuals in the Youth Transition Target Population.

2. Individual Employer Paid Employment By Target Population (Table 2).⁵

Youth Exit Population. Progress on securing supported employment for members of the Youth Exit Population has continued to fall below expectations, increasing by only 6 individuals over the previous reporting period from 160 persons on June 30, 2017 to 166 individuals on September 30, 2017. The total number of placements represents only 37.6% of the July 1, 2016 Consent Decree benchmark of 442 individuals for this population. When these figures are adjusted to reflect prior year placements of 6 individuals who are no longer receiving State services the total number of placements increases to 172, 39% of the benchmark for this target population. Placement data shown in Table 2 includes individuals placed in prior years as described above. Although this rate is less than that achieved for the other target populations, it is important to note that the number of individuals in the Youth Exit Population has significantly increased over the past two years as a result of expanded State outreach efforts to identify and contact all members of this group. The initial assessment of this population identified 151 members with intellectual disabilities in need of placement. The Court ordered the placement of this group by June 30, 2016. Further efforts on the part of the State located additional numbers of individuals with developmental disabilities who previously were not included in the Youth Exit Population and individuals in this population who had never applied for and were not engaged in DD services. This resulted in the overall expansion of the population to approximately 442 individuals. The state developed an

implementation plan and schedule to ensure the placement of all remaining

Table 2 Supported Employment Placements			
Target Population	Individuals Placed	Benchmark	% Benchmark
Youth Exit	172	442	39%
Sheltered Workshop	132	150	88%
Day Target	285	100	285%

Youth Exit Population Members who choose competitive employment according to the following schedule: 50% will receive a supported employment placement by April 30, 2018, and 100% by September 30, 2018. Youth Exit Population members who do not wish to pursue competitive employment will be identified through the variance process by February 28, 2018.

⁵ See Attachment, Report 2

Sheltered Workshop Target Population. Supported employment placements among members of the Sheltered Workshop Target Population were similarly low during this quarter, the total number growing by only 8 individuals over the previous reporting period to a total of 130 individuals. This number represents 86.7% of the Consent Decree benchmark that requires 150 members of the Sheltered Workshop Target Population to be placed by January 1, 2018. Adjusting these data to reflect the prior year placement of two individuals who are no longer receiving State services increases the total number of placements 132 or 88% of the benchmark for this target population.

Day Target Population. The number of individuals in the Day Target Population who received a supported employment placement by September 30, 2017 was 277. Eight individuals were placed during prior years bringing the total number of individuals who have received a supported employment placement to 285, more than double the Consent Decree requirement that placements be provided to 100 individuals from this target population by January 1, 2018.

Average Hours Worked Per Week. The average number of hours worked per week by members of the three target populations during the quarter ending September 30, 2017 was largely unchanged from the previous reporting period and remains below the 20 hours per week benchmark. On September 30, 2017, members of the Youth Exit Population worked on average 14.5 hours per week; members of the Sheltered Workshop Target Population averaged 12.4 hours per week; and members of the Day Target Population averaged 11 hours per week. The percentages of target population members working more than 20 hours per week did not significantly improve across the three target populations as compared to the prior reporting quarter (see Attachment, Report 4). The State prepared and is implementing a plan to identify workers' preferences and increase the weekly hours worked among individuals receiving supported employment.

3. **Career Development Planning** (Table 3). Overall, the total number of target population members with Career Development Plans grew from 2,290 on June 30, 2017 to 3,253 on September 30, 2017, an increase of 963 individuals. Significant progress was made in this area across all populations. The required benchmark was met at the 99% level for the Youth

Exit, Sheltered Workshop and the Day Target populations, and at the 83% level for members of the Youth Transition Target Population. An analysis of the status of the 136 individuals who had not received a career development plan by September 30th revealed that 121 individuals were on

Table 3 Career Development Planning			
Target Population	Individuals w/ CDP	Benchmark	% Benchmark
Youth Transition	543	656	83%
Youth Exit	434	439	99%
Sheltered Workshop	668	678	99%
Day Target	1,608	1,616	99.5%

the active rolls but had not yet received a plan, 14 individuals had a plan pending, and one person refused to participate in the planning process. An additional 29 individuals were receiving DD services, such as homemaking, respite or home health, that do not require a career development plan to be prepared (See Attachment, Report 3a).

- 4. Benefits Planning** (Table 4). All individuals in the Youth Exit, Sheltered Workshop and Day Target Populations are required to receive benefits planning and information no later than the year in which the person is scheduled to transition to a supported employment placement.

The number of Target Population members with

Table 4 Benefits Planning			
Target Population	Individuals w/ BPs	Benchmark	% Benchmark
Youth in Transition	2	NA	
Youth Exit	126	166	76%
Sheltered Workshop	98	130	75%
Day Target	166	277	60%

benefits plans should be roughly equal to the number of individuals who are employed. A total of 392 target population members were reported to have benefits plans in place on September 30, 2017. This represents an increase of 25 individuals over the previous reporting quarter and approximately 68% of the benchmark requirement. A summary of performance by target population is provided in Table 4 and, with greater detail in the Attachment, Report 3b.

Summary. The State has continued to refine and improve its format and methodology for gathering and reporting data on the number of target population members who receive supported employment placements and related services. The number of individuals receiving supported employment placements increased during the quarter ending September 30, 2017. Data on quarter-to-quarter performance over the past year indicates that 305 target population

members received a supported employment placement between September 30, 2016 and September 30, 2017 (See Attached, Report 2). The inclusion of data on prior placements of individuals who are no longer receiving services brings the total to 321. Although these data are encouraging it is important to note that the quarterly placement rate has dropped from 119 individuals for the quarter ending March 31, 2017 to 63 individuals for the quarter ending June 30, 2017, to 29 individuals during the current reporting period, the lowest quarterly increase over the past six quarters. It is important to note that placement rates vary from one quarter to another and are influenced by a number of different factors. DDD and ORS are using placement data to inform related decisions regarding the delivery and oversight of supported employment services.

As noted above, as of September 30, 2017 the State significantly exceeded the January 1, 2018 placement benchmark for the Day Target Population and reached 88% of the benchmark for the Sheltered Workshop Population. DDD and ORS are aware of the need to increase placements among the members of this population. As noted above, the two state agencies are implementing a plan to place all remaining Youth Exit Population members who have expressed an interest in employment by September 2018. In addition, DDD is incorporating new incentives in its Person-Centered Supported Employment Program to enhance provider capacity to develop integrated supported employment opportunities for target population members.

Respectfully Submitted,

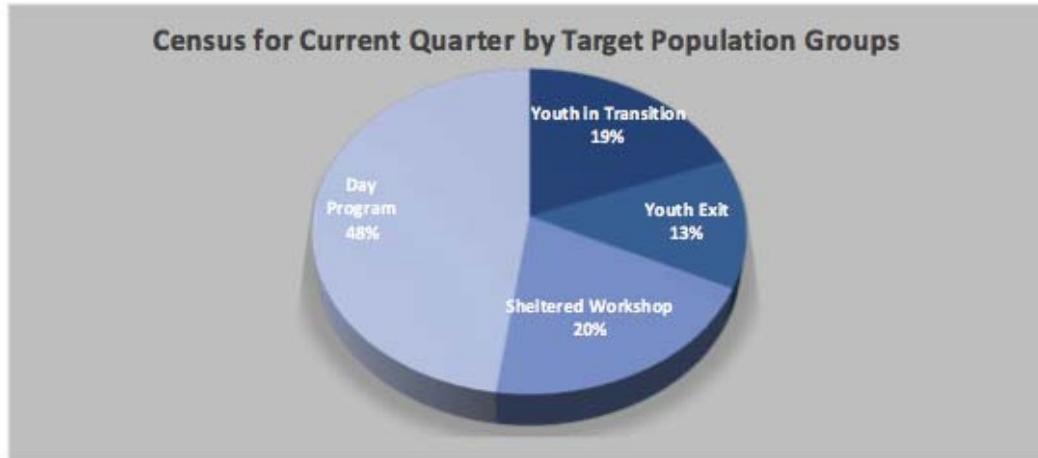
Charles Moseley Ed.D.

Court Monitor

January 18, 2017

Consent Decree Reports
Data for Quarter Ending September 30, 2017*
Report 1: Current Consent Decree Population

Report Date: 10/31/2017



REPORT 1 - Current Census	Youth in Transition	Youth Exit	Sheltered Workshop	Day Program	Unduplicated Total
Total Individuals	677	567	802	1,958	4,004
- Individuals deceased since January 2013	0	1	59	214	274
- Voluntarily left services	0	39	41	78	158
- Not Attending	0	10	14	33	57
- Haven't Applied	0	75	0	1	76
- Not Eligible or Rescinded Application	21	0	0	0	21
Active Census for Current Quarter	656	442	688	1,632	3,418
Population as a % of Census	19.2%	12.9%	20.1%	47.7%	100.0%
- Individuals employed in 2012	0	0	59	157	216
- Individuals in transition	656	0	0	0	656
- Individuals age 62+ who want to be retired	0	0	12	33	45
Target Population for Employment ¹ (Census Less Those Employed in 2012 and Transition)	0	442	617	1,442	2,501

Census - Quarter to Quarter Changes

Target Population Group	Q 9/30/16	Q 12/31/16	Q 3/31/17	Q 6/30/17	Q 9/30/17
Youth in Transition	440	439	539	707	656
Youth Exit	243	478	496	497	442
Sheltered Workshop	732	720	718	718	688
Day Program	1,675	1,704	1,690	1,699	1,632
Unduplicated Total	3,090	3,341	3,443	3,621	3,418

Notes:

¹The Target Population for Employment is tracked for reporting of newly obtained employment. Individuals employed in 2012 are excluded from the Consent Decree targets for new employment. All other reports are based on the Census for Current Quarter.

***Data Sources for Quarterly Report**

1. Sherlock Center survey completed June 2017
2. ORS cases through 9/15/17
3. DDD caseload information as of 9/30/17
4. RIDE annual census, July 2017

Consent Decree Data Reports
Data for Quarter Ending September 30, 2017*
Report 2: Consent Decree Target Population Employment

Report Date: 10/31/2017



EMPLOYMENT BY TARGET POPULATION	Youth Exit	Sheltered Workshop	Day Program	Unduplicated Total
Target Population for Employment	442	617	1,442	2,501
% of Total Target Population	18%	25%	58%	100%
Benchmark for Employment	442	150	100	692
Total Individuals in INDIVIDUAL EMPLOYER PAID Employment				
Q 9/30/17	166	130	277	573
<i>Past Placements Now Closed/Deceased</i>	6	2	8	16
Total Competitive and Self Employment Percentages				
% of Benchmark	37.6%	86.7%	277.0%	82.8%
% of Target Population Group	37.6%	21.1%	19.2%	22.9%
% of Those Employed	29.0%	22.7%	48.3%	100.0%
Quarter to Quarter Performance				
Q 9/30/17	166	130	277	573
Q 6/30/17	160	122	262	544
Q 3/31/17	135	113	234	482
Q 12/31/16	109	87	167	363
Q 9/30/16	36	75	157	268
Q 6/30/17	29	57	118	204

Note: Includes Self-Employment.

Past Placements Closed/Deceased are those previously reported placements who are now excluded from the active counts.

***Data Sources for Quarterly Report**

1. Sherlock Center survey completed June 2017
2. ORS cases through 9/15/17
3. DDD caseload information as of 9/30/17
4. RIDE annual census, July 2017

Consent Decree Data Reports
Data for Quarter Ending September 30, 2017*
Report 3a: Career Development Plans

Report Date: 10/31/2017



Career Development Plan (CDP) Exists

	Q 12/31/16	Q 3/31/17	Q 6/30/17	Q 9/30/17	BENCHMARK	% of Benchmark
Youth in Transition	347	446	450	543	656	83%
Youth Exit	199	294	329	434	439	99%
Sheltered Workshop	205	387	454	668	678	99%
Day Program	427	856	1,057	1,608	1,616	100%
Unduplicated Total	1,178	1,983	2,290	3,253	3,389	96%

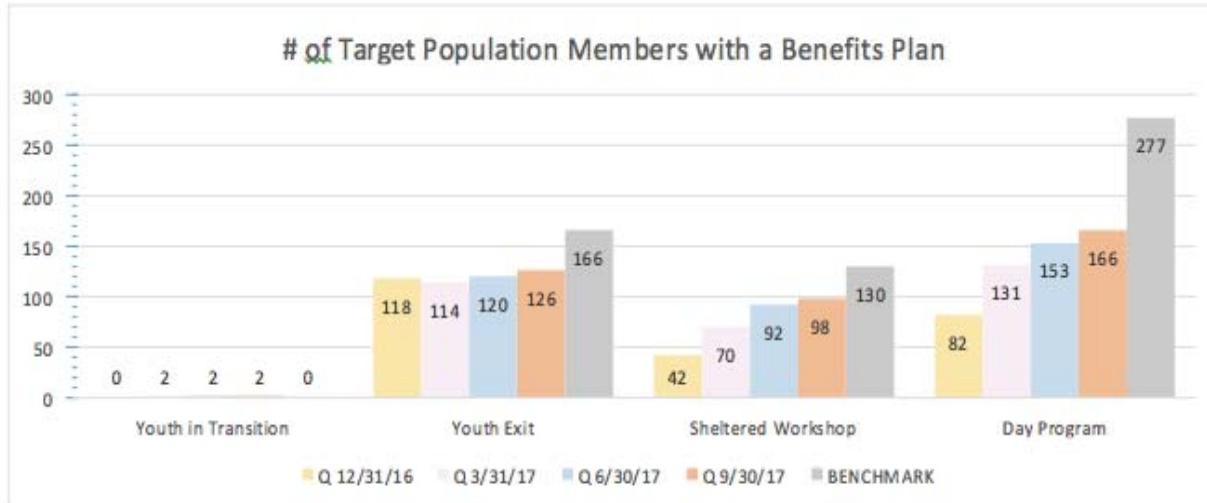
Those Without CDP

	Active - No Plan Yet	Plan Is Pending	Individual Refused	Total Without CDP	CDP Not Applicable ¹
Youth in Transition ²	113	0	0	113	0
Youth Exit	2	2	1	5	3
Sheltered Workshop	2	8	0	10	10
Day Program	4	4	0	8	16
Unduplicated Total	121	14	1	136	29

¹ CDP Not Applicable are those receiving limited services such as respite, home health, or PASSR. Benchmarks omit these.

Consent Decree Data Reports
Data for Quarter Ending September 30, 2017*
Report 3b: Benefits Plans

Report Date: 10/31/2017



⊕ Benefits Plan (BP) Exists

	Q 12/31/16	Q 3/31/17	Q 6/30/17	Q 9/30/17	BENCHMARK	% of Benchmark
Youth in Transition	0	2	2	2	--	--
Youth Exit	118	114	120	126	166	76%
Sheltered Workshop	42	70	92	98	130	75%
Day Program	82	131	153	166	277	60%
Unduplicated Total	242	317	367	392	573	68%

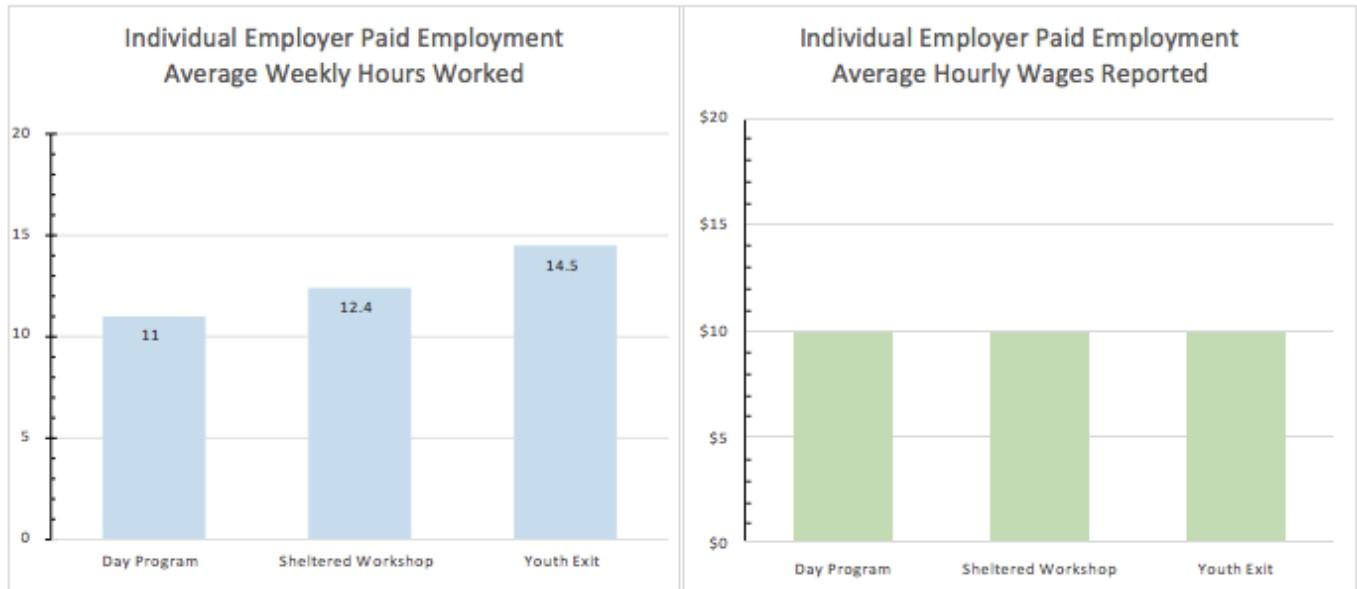
Note: The benchmark for benefits plans is based on the number of individuals employed. Benefits Plans can also be done for those not yet employed.

***Data Sources for Quarterly Report**

1. Sherlock Center survey completed June 2017
2. ORS cases through 9/15/17
3. DDD caseload information as of 9/30/17
4. RIDE annual census, July 2017

Consent Decree Data Reports
Data for Quarter Ending September 30, 2017*
Report 4: Average Weekly Hours and Hourly Wages

Report Date: 10/31/2017



Individual Employer Paid Employment						
Target Population Unduplicated Counts	Measure	Total Population	Weekly Hours Worked	Hourly Wage	Worked 20+ Hours	% With 20+ Hours
Day Program	# Reporting	117			17	14.5%
	Average		11	\$10.13		
Sheltered Workshop	# Reporting	57			12	21.1%
	Average		12.4	\$9.98		
Youth Exit	# Reporting	111			31	27.9%
	Average		14.5	\$9.95		

Notes:

- 1 # Reporting equals the count of individuals reporting hours or wages above minimum wage.

***Data Sources for Quarterly Report**

1. Sherlock Center survey completed June 2017
2. ORS cases through 9/15/17